



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

April 2, 1997

**Jim Ryan**  
ATTORNEY GENERAL

Don Gimbel, DLC  
Illinois Environmental Protection Agency  
1701 First Avenue  
Maywood, Illinois 60153

Re: 0971250007  
People v. Lavin & Sons. - 90 CH 668

*Don*  
Dear Mr. Gimbel:

Enclosed is a copy of the Amendment to Consent Order entered in the above matter on March 27, 1997. You may have already received a copy of Ray Reott's letter clarifying the leachate issue, but I am enclosing a copy if you have not. One comment Matt had, which I think is well taken, is that the leachate affects the quality of the stormwater discharge. As such, leachate management should be addressed in the Stormwater Pollution Prevention Plan, so long as discharge goes through that source. I am enclosing the draft SWPPP, which was FAX'd to me February 17, 1997. You will note that leachate is not mentioned in this document. Please discuss this aspect of the leachate issue with Jim Moore and Ken Liss, so that we can provide comments to Lavin's SWPPP within the time frame noted at p. 2, D.1.b.i, of the Amendment to Consent Order entered March 27, 1997.

Thanks for all your help with this difficult case - you really got up to speed in record time!

Very truly yours,

US EPA RECORDS CENTER REGION 5



400198

Encls.

cc: Bruce Carlson w/o encl.  
Chris Kallis w/ encl.  
Jim Moore w/o encl.  
Ken Liss w/o encl.

*Christine S. Bucko*

CHRISTINE S. BUCKO  
Assistant Attorney General  
Environmental Bureau  
100 West Randolph Street, 11th Floor  
Chicago, Illinois 60601  
(312) 814-3401

Received  
Environmental Protection Agency

APR 03 1997

Division of Legal Counsel  
Illinois Region II

LAW OFFICES

JENNER & BLOCK

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

WASHINGTON OFFICE  
601 THIRTEENTH STREET, N.W.  
SUITE 1200 SOUTH  
WASHINGTON D.C. 20005  
(202) 639-6000  
202) 639-6066 FAX

ONE IBM PLAZA  
CHICAGO, ILLINOIS 60611

(312) 222-9350  
(312) 527-0484 FAX

LAKE FOREST OFFICE  
ONE WESTMINSTER PLACE  
LAKE FOREST IL 60045  
(847) 295-9200  
(847) 295-7810 FAX

RAYMOND T. REOTT

March 27, 1997

**BY HAND DELIVERY**

Ms Christine Bucko  
Assistant Attorney General  
100 West Randolph Street  
12th Floor  
Chicago, IL 60601

Re: R. Lavin & Sons Consent Decree Amendment

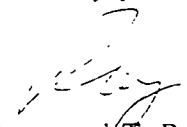
Dear Chris:

Confirming our discussion with Don Gimbel this morning, Lavin wanted to set forth its additional commitments with regard to the management of the fill leachate and to clarify the provisions of the amended decree.

As you know, Lavin will be doing the initial leachate withdrawal in the next several weeks. If the leachate from a well has concentrations of metals which exceed the hazardous waste characteristic criteria levels, then Lavin will agree to do leachate withdrawal activities for the applicable wells for at least two years unless the Agency agrees to a shorter time period. In addition, I wanted to confirm everyone's agreement that the provision on page 4 for leachate removal when the level of leachate is greater than one foot applies to the level of leachate within the fill strata. If the fill itself has at least a one-foot saturated zone, then Lavin would initiate leachate removal activities.

I appreciate your help in resolving these items

Sincerely yours,

  
Raymond T. Reott

cc: Don Gimbel  
Bruce Carlson  
George Lennon

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT

PEOPLE OF THE STATE OF ILLINOIS

Plaintiff,

v.

R. LAVIN & SONS, INC., an Illinois corporation,  
with a division d/b/a North Chicago Refiners &  
Smelters,

Defendants.

LA  
C

*Feb. 7, 1992  
Amendment  
to Consent  
Order deals  
w/Anances only*

CH 668

**FILED**

MAR 27 1997

*Handwritten signature*  
CIRCUIT CLERK

AMENDMENT TO CONSENT ORDER

Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, and Defendant, R. LAVIN & SONS, INC., an Illinois corporation, formerly with a division d/b/a North Chicago Refiners & Smelters, having agreed to the entry of this Amendment to Consent Order do hereby stipulate and agree as follows:

A. This Amendment to Consent Order modifies both the October 12, 1990 Consent Order and the February 7, 1992 Amendment thereto. All portions of the October 12, 1990 Consent Order, as amended, and the February 7, 1992 Amendment which are not specifically noted herein are not affected by this amendment and remain in full force and effect.

B. The October 12, 1990 Consent Order, Section VIII. C., entitled Cease and Desist, is deleted and replaced by the following Section VIII. C.:

C. CEASE AND DESIST

The Defendant shall cease and desist from violation of the Act, any and all of 35 Ill. Adm. Code Subtitles C and G, and any and all federal laws and regulations. The Defendant shall at all times properly operate and maintain its Site to comply with this and any subsequent court order; each and every term and condition of its National Pollutant Discharge Elimination System ("NPDES") permit, as well as any subsequent revision, modification or reissuance thereof; and its Resource Conservation and Recovery Act ("RCRA") Interim Status Post Closure Plan and RCRA Post Closure permit, when issued.

C. The October 12, 1990 Consent Order, Section VIII. D., entitled Water Pollution Compliance Plan and Schedule, is deleted and replaced by the following Section VIII. D.:

D. Water Pollution Compliance Plan

1. Process Water and Stormwater.

- a. NPDES Permit. The most recently drafted NPDES Permit, which was noticed for Public Comment on December 14, 1996, is incorporated by reference herein, as though each and every term and condition were specifically set forth herein. The permit is attached hereto as Exhibit A. The Illinois Environmental Protection Agency ("Illinois EPA" or "Agency") will issue this permit within ten (10) days of the entry of this Amendment to Consent Order. The Defendant shall comply with this permit in all respects during the period of its effectiveness and send monthly Discharge Monitoring Reports ("DMR") to the Illinois EPA in accordance with the NPDES permit.
- b. Stormwater Pollution Prevention Plan ("SWPPP").
  - i. Plan Development. Defendant shall develop a stormwater pollution prevention plan for the stormwater associated with the activities at the site. This plan shall include the implementation of practices to be used to reduce the pollutants in its stormwater discharges to comply with applicable law, and this Amended Consent Order. The SWPPP shall be submitted to the State within ninety (90) days of the effective date of its NPDES Permit. Upon completion and submittal of the SWPPP to the State, the State shall have a review period of sixty (60) days from the date of receipt of the SWPPP. At or before the expiration of those time periods, the Defendant shall be notified in writing whether the State approves

the SWPPP. In the event the State does not approve the SWPPP, then within thirty (30) days of the disapproval, Defendant shall make changes requested by the State and submit a sworn certification that the requested changes have been made along with a copy of the revised SWPPP. In the event Defendant does not make the requested changes, then Defendant may utilize Dispute Resolution provisions of the Consent Order in addition to any other remedies provided for by law.

- ii. Amendments to the SWPPP. During the term of the NPDES permit, Defendant shall amend the SWPPP whenever a) there is a change in construction, operation or maintenance, which may affect the discharge of significant quantities of pollutants to Pettibone Creek; b) the annual facility inspection by the Illinois EPA indicates an amendment is needed; c) any violations are noted; or d) the general objective of controlling pollutants in stormwater discharges is not achieved. Any amendments necessitated to the SWPPP by the above shall be submitted to the State for review and approval and shall be implemented within the shortest reasonable time after approval. This Section shall be subject to the Dispute Resolution provisions of the October 12, 1990 Consent Order in addition to any other remedies provided by law.

2. Shallow Groundwater and Fill Leachate. The Site contains a shallow groundwater zone that comes into contact with fill material so as to produce a leachate. The term "fill" refers to slag and other waste materials which were spread and disposed of on and throughout the Site before Lavin's ownership. To address the presence of water in the fill material beneath the facility at this time, by April 21,

1997, Defendant shall complete the one-time leachate withdrawal from the existing shallow wells required by the approved closure plan. Defendant agrees to defer abandonment of the shallow wells until there is a final determination that further leachate withdrawal is not required.

As to any future leachate removal requirements, the parties are not in complete agreement at this time. Defendant has contended that the impact of the fill leachate is *de minimus* on the actual stormwater discharge from the Site and has submitted a study to IEPA in support of its contention. As a result, Defendant contends that management of the fill leachate is adequately covered under its NPDES permit. IEPA has not completed its review of this study at the time of entry of this Amendment. Therefore, in the event IEPA determines that the impact from the fill leachate is not *de minimus* and so notifies Defendant, then within 30 days, Defendant shall seek a resolution of this issue in either its RCRA post-closure permit application or through the Dispute Resolution provisions of the October 12, 1990 Consent Order. In the event the Defendant invokes the Dispute Resolution provisions, then Defendant will implement a leachate maintenance program as described below in i) until the Dispute Resolution process is completed. Defendant will provide any information generated during the leachate maintenance program to the State within 30 days of generation. In the event Defendant seeks to resolve this issue through its RCRA post-closure permit application process, then this application must contain the following:

- i) a leachate maintenance program, in which, after the leachate is initially drained and used as process water makeup or disposed of in accordance with applicable regulations, Defendant monitors the recharge of the fill on a quarterly basis, and initiates leachate removal activities from those wells where leachate is present at levels of greater than one foot; or
- ii) a mechanism which sufficiently discontinues the interconnection and interaction between the fill leachate and stormwater in the retention ditches; or
- iii) a plan for management of the leachate through Defendant's

regulated NPDES outfalls.

While the RCRA post-closure permit is under review at IEPA, Defendant shall continue the leachate maintenance program described above in i). Defendant's right to appeal IEPA's final decision on its application would be subject to customary RCRA Interim Status Post-Closure Permit appeals regulations.

3. Stormwater Retention and Process Water Storage Tank. Defendant shall maintain, at a minimum, that storage tank capacity for stormwater retention and process water storage which is currently at the site and the capacity in the retention systems called for under Section VIII. D. 9. a. of the October 12, 1990 Consent Order.
4. Future Water Compliance. At the time of the entry of this Amendment, the parties acknowledge two foreseeable events that may affect the water compliance plan noted above. The first event concerns the Great Lakes Initiative ("GLI"). The United States Environmental Protection Agency ("USEPA") has formulated a proposal that may result in modified standards applicable to discharges impacting the Great Lakes watershed. As a result of the GLI, the Illinois EPA will be required to propose rules reflecting the GLI standards to the Illinois Pollution Control Board. The second event concerns a recently submitted proposal by the North Shore Sanitary District ("NSSD") to the USEPA to modify its pretreatment ordinance. This proposal would raise the limits of certain contaminants, which may allow the Defendant to discharge its stormwater to the NSSD's system.
  - a. Great Lakes Initiative. In the event the GLI results in modified standards applicable to Defendant's discharges under the NPDES permit specified above in Section VIII. D. 1. a., the Illinois EPA shall modify those applicable portions of Defendant's NPDES permit (either process water or stormwater) to reflect the applicable regulatory standards. Defendant shall

retain all rights granted by law to appeal or otherwise challenge any such modification.

b. **NSSD Feasibility Study.** In the event the USEPA approves a modification of the NSSD pretreatment ordinance, and such is enacted by NSSD's Board, then the Defendant shall, within 120 days of the effective date of the modified ordinance, complete and submit to the State a NSSD Feasibility Study. The purpose of this study shall be to determine the technical feasibility and economic reasonableness of diverting any "significant portion" (defined as equal to or greater than 15 percent of the five year running annual average Site runoff) or all of Defendant's stormwater discharges, covered by the NPDES permit noted above, to NSSD's treatment facilities. The NSSD Feasibility Study shall include, at a minimum, an evaluation of the following:

- i) **Whether NSSD will agree to accept any significant portion or all of the Defendant's discharges covered by its NPDES permit;**
- ii) **Whether any significant portion or all of the Defendant's discharges will meet the limits of the modified NSSD pretreatment ordinance without pretreatment;**
- iii) **Whether there are any cost effective on-site pretreatment options which will allow any significant portion or all of the Defendant's discharges to meet the limits of the modified NSSD pretreatment ordinance;**
- iv) **Whether the City of North Chicago will agree to allow Defendant to connect any significant portion or all of Defendant's discharges and to transport that water to the NSSD system;**
- v) **A determination of the most feasible means of connecting any significant portion or all sources of Defendant's NPDES discharges to NSSD's system;and**
- vi) **A cost estimate of each portion of work necessary to connect to NSSD's system, both on and off site, including any on-site pretreatment costs, if necessary.**

The State shall review the NSSD Feasibility Study and, within 60 days of the submittal, either approve the study or request further information to



complete its evaluation. In the event additional information is requested, the Defendant shall provide the additional information within 30 days of the request. In the event that it is technologically feasible and economically reasonable for Defendant to connect any significant portion or all of its NPDES discharges to the NSSD system, then Defendant shall submit a workplan for this project. For purposes of this Section, the project is "economically reasonable" if the total project costs are equal to or less than \$300,000 in 1997 dollars, the NSSD flow-based fee rate is no more than the charge for industrial process water levied for the NSSD Industrial Customer Category with the largest number of dischargers, and any contaminant-based surcharges are no greater than those in Section 3.1 of the September 4, 1996 NSSD fee ordinance. Defendant will have no responsibility for upgrading off-site portions of the City of North Chicago sewer system which may be necessary to transport any of Defendant's discharges to the NSSD. Defendant's NSSD connection work plan will include a construction schedule and projected date for connection to the off-site sewer system, but in no event shall the actual connection be made later than two (2) years from the date the workplan is approved by the State. In the event the parties disagree as to the requirement to implement, implementation, scheduling or any other matters concerning Defendant's connection to NSSD's system, then such matters shall be subject to the Dispute Resolution provision of the October 12, 1990 Consent Order. In the event that it is technologically feasible and economically reasonable for the Defendant to meet NSSD's pre-treatment limits and to connect any significant portion or all of its current NPDES outfalls to the NSSD system, the Illinois EPA may modify Defendant's NPDES permit to reflect this situation. Defendant shall retain all rights granted by law to appeal or

otherwise challenge any such modification to its NPDES permit.

5. Reservation of Rights. Defendant shall remain liable for any violations of the October 12, 1990 Consent Order, as amended. The State retains all rights to enforcement of the above provisions, including but not limited to a Rule to Show Cause, and may recover penalties for therefor.

D. The October 12, 1990 Consent Order, Section VIII. E., entitled Effluent Limits, is deleted and replaced by the following Section VIII. E.:

E. Effluent Limits

Defendant shall comply with each and every term and condition of its NPDES permit during the period of its effectiveness. This permit is incorporated by reference herein, as though each and every term and condition were specifically set forth herein. The permit is attached hereto as Exhibit A. The Illinois EPA will issue this permit within ten (10) days of the entry of this Amended Consent Order.

E. The October 12, 1990 Consent Order, Sections VIII. L. 1. b., c. and d., entitled Effluent Limits, Stipulated Penalties for Water Treatment Plant Construction Deadlines and Final Effluent Compliance are no longer effective. All other portions of Section VIII: L. are valid.

F. The February 7, 1992 Order, Section 1, which incorporated an Agreement in Principle dated April 30, 1991, as an amendment to the October 12, 1990 Consent Order is deleted in its entirety, except for those portions of Paragraph 7 dealing with reimbursement to the State for the cost of retaining a Certified Public Accountant.

G. The October 12, 1990 Consent Order, Section VIII. T., is hereby deleted.

WHEREFORE, the parties, by their representatives, enter into this Consent Order and submit it to the Court that it may be approved and entered.

AGREED TO:

AGREED TO:

PEOPLE OF THE STATE OF ILLINOIS,

R. LAVIN & SONS, INC.

JAMES E. RYAN  
Attorney General of the  
State of Illinois

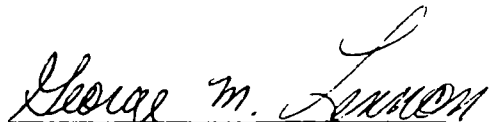
MATTHEW J. DUNN, Chief  
Environmental Enforcement/  
Asbestos Litigation Division

BY:



WILLIAM D. SEITH, Chief  
Environmental Bureau  
Assistant Attorney General

BY:



ITS:

VICE PRESIDENT

DATED:

3/27/97

DATED:

3/27/97

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

BY:



JOSEPH E. SVOBODA  
General Counsel  
Division of Legal Counsel

DATED:

3/27/97

ENTERED:

EMILIO B. SANTI

BY:

Judge Emil Santi

DATED:

verslacd4.97

NPDES Permit No. IL0002755  
Illinois Environmental Protection Agency  
Division of Water Pollution Control  
2200 Churchill Road  
P.O. Box 19278

Springfield, Illinois 62794-9278  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
Reissued (NPDES) Permit

Expiration Date:

Issue Date:  
Effective Date:

Name and Address of Permittee:

R. Lavin & Sons, Inc.  
2028 Sheridan Road  
North Chicago, Illinois 60064

Facility Name and Address:

R. Lavin & Sons, Inc.  
2028 Sheridan Road  
North Chicago, Illinois 60064  
(Lake County)

Discharge Number and Name:

001 Process Water Emergency Overflow  
002 Stormwater and possible Emergency Overflow from  
Outfall 001  
003 and 004 Stormwater

Receiving Waters

Internal Outfall  
Pettibone Creek via storm sewer  
Pettibone Creek via storm sewer

In compliance with the provisions of the Illinois Environmental Protection Act, Subtitle C and/or Subtitle D Rules and Regulations of the Illinois Pollution Control Board, and the Clean Water Act, the above-named permittee is hereby authorized to discharge at the above location to the above-named receiving stream in accordance with the standard conditions and attachments herein.

Permittee is not authorized to discharge after the above expiration date. In order to receive authorization to discharge beyond the expiration date, the permittee shall submit the proper application as required by the Illinois Environmental Protection Agency (IEPA) not later than 180 days prior to the expiration date.

Thomas G. McSwiggin, P.E.  
Manager, Permit Section  
Division of Water Pollution Control

TGM:BAK98020901 PSJ

EXHIBIT A

## NPDES Permit No. IL0002755

## Effluent Limitations and Monitoring

PARAMETER	LOAD LIMITS		CONCENTRATION		SAMPLE FREQUENCY	SAMPLE TYPE
	lbs/day		LIMITS mg/l			
	30 DAY AVG.	DAILY MAX.	30 DAY AVG.	DAILY MAX.		

1. From the effective date of this permit until the expiration date of this permit, the effluent of the following discharge(s) shall be monitored and limited at all times as follows:

Outfall(s): 001 Process Water Emergency Overflow (These limitations apply at Outfall 001 only when 001 and 002 are simultaneously discharging).

Flow					Daily When Discharging	24 Hour Total
pH	See Special Condition No. 1				Daily When Discharging	Manual Grab Sample
Total Suspended Solids			15.0	30.0	Daily When Discharging	Daily Composite*
Iron (Total)			2.0	4.0	Daily When Discharging	Daily Composite*
Cadmium (Total)			0.15	0.30	Daily When Discharging	Daily Composite*
Copper (Total)			0.5	1.0	Daily When Discharging	Daily Composite*
Lead (Total)			0.2	0.4	Daily When Discharging	Daily Composite*
Nickel (Total)			1.0	2.0	Daily When Discharging	Daily Composite*
Zinc (Total)			1.0	2.0	Daily When Discharging	Daily Composite*
Oil & Grease			15.0	30.0	Daily When Discharging	Manual Grab Sample
Boron				1.0	Daily When Discharging	Daily Composite*

See Special Condition No. 2

\*See Special Condition No. 9.

## NPDES Permit No. IL0002755

## Effluent Limitations and Monitoring

PARAMETER	LOAD LIMITS lbs/day		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVG.	DAILY MAX.	30 DAY AVG.	DAILY MAX.		

1. From the effective date of this permit until the expiration date of this permit, the effluent of the following discharge(s) shall be monitored and limited at all times as follows:

Outfall(s): 002, 003 and 004 Stormwater

Flow					When Discharging	Estimate
pH			Monitor	Monitor	See Special Condition 3	Manual Grab Sample
Total Suspended Solids			Monitor	Monitor	See Special Condition 3	Daily Composite*
Iron (Total)			Monitor	Monitor	See Special Condition 3	Daily Composite*
Cadmium (Total)			Monitor	Monitor	See Special Condition 3	Daily Composite*
Copper (Total)			Monitor	Monitor	See Special Condition 3	Daily Composite*
Lead (Total)			Monitor	Monitor	See Special Condition 3	Daily Composite*
Nickel (Total)			Monitor	Monitor	See Special Condition 3	Daily Composite*
Zinc (Total)			Monitor	Monitor	See Special Condition 3	Daily Composite*
Oil & Grease			Monitor	Monitor	See Special Condition 3	Manual Grab Sample
Boron			Monitor	Monitor	See Special Condition 3	Daily Composite*

See Special Condition No. 11

\*See Special Condition No. 10

Special Conditions

**SPECIAL CONDITION 1.** When Outfall 002 is discharging, the pH of any discharge from Outfall 001 shall be in the range 6.0 to 9.0. The monthly minimum and monthly maximum values shall be reported on the Discharge Monitoring Report form.

**SPECIAL CONDITION 2.** Subject to the following provisions there shall be no discharge of process wastewater pollutants into navigable waters:

A process wastewater impoundment which is designed, constructed, and operated to contain the precipitation from the 25-year, 24-hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located may discharge that volume of process wastewater which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 25-year, 24-hour rainfall event, when such event occurs.

When Outfall 002 is discharging, discharge of process wastewater from Outfall 001 at any time other than the 25-year, 24-hour rainfall event shall be considered a violation of this special condition. When discharge from Outfall 001 occurs as a result of a 25-year, 24-hour rainfall event or greater, discharge from Outfall 001 shall constitute an "upset" as defined at 40 CFR § 122.41(n).

**SPECIAL CONDITION 3.** Beginning 30 days after the effective date of this permit, the Permittee shall monitor and analyze the first reportable discharge of each calendar month from Outfall 002, Outfall 003, and Outfall 004 that occurs after a dry period of at least 96 hours, if such discharge occurs. See Special Condition No. 10 for sampling considerations regarding Outfalls 003 and 004. For purposes of this provision, a reportable discharge at Outfall 002 is a discharge of greater than 15,000 gallons, i.e., capable of producing three aliquots for combining as a daily composite sample. For the purposes of this provision, a reportable discharge for Outfall 003 or 004 is a discharge of four hours or longer, i.e., capable of producing three aliquots for combining as a daily composite sample after the initial grab sample is collected. Where the discharge is less than a reportable discharge, the Permittee shall monitor and analyze the next reportable discharge for that month if it occurs. Should a sampler malfunction occur during such a discharge, the Permittee shall monitor and analyze the next reportable discharge for that month if it occurs.

**SPECIAL CONDITION 4** Samples taken at Outfalls 002, 003, and 004 in compliance with the effluent monitoring requirements shall be taken at a point representative of the discharge, but prior to entry into the storm sewer tributary to the receiving stream.

**SPECIAL CONDITION 5.** The Permittee shall record monitoring results on Discharge Monitoring Report Forms using one such form for each outfall each month.

The completed Discharge Monitoring Report forms shall be submitted to IEPA no later than the 15th day of the following month, unless otherwise specified by the permitting authority.

Discharge Monitoring Reports shall be mailed to the IEPA at the following address:

Illinois Environmental Protection Agency  
Division of Water Pollution Control  
2200 Churchill Road  
P O. Box 19278  
Springfield, Illinois 62794-9278

Attention: Compliance Assurance Section

**SPECIAL CONDITION 6.** This permit may be modified to include different final effluent limitations or requirements which are consistent with applicable laws, regulations, or judicial orders. This includes modification of effluent limitations based on information submitted to the Agency on Application Form 2F or Discharge Monitoring Reports. The IEPA will public notice the permit modification.

**SPECIAL CONDITION 7.** The use and operation of this facility shall be by or under the supervision of a Certified Class K operator.

**SPECIAL CONDITION 8** A tabular summary of monitoring data shall be provided to the IEPA at the time of any application for modification or renewal of this permit.

**SPECIAL CONDITION 9.** Permittee may use its existing flow proportioned sampler, which has plastic bottles, to take grab samples at Outfall 001. The sampling location shall be in the process water reservoir. The first grab sample shall be taken when total discharge flow reaches 1,000 gallons and will consist of the first aliquot taken by the sampler. Additional grab samples will be taken by the sampler at successive flow intervals of 1,000 gallons with a minimum of four grab samples for total discharges greater than 4,000 gallons. One analysis shall be run on the first grab sample. The remaining grab samples shall be composited into the "daily composite" sample and one analysis shall be run on that sample. This daily composite must be based on at least three individual samples taken at different times. If the discharge is insufficient to generate three individual samples for compositing purposes, no daily composite value need be reported. The analyses for these samples will be for all parameters listed above, except pH, and oil & grease.

Special Conditions

As practicable, a manual grab sample shall be taken, in a glass bottle, during the first hour or less of the discharge at Outfall 001 and analyzed separately for pH and for oil & grease. When impracticable, permittee shall provide an explanation in the monthly Discharge Monitoring Report.

**SPECIAL CONDITION 10.** Permittee may use its existing single-bottle flow-proportioned sampler to take a "daily composite" sample at Outfall 002. The sampling location shall be the overflow weir. A daily composite sample shall be a single sample formed when the sample combines individual samples taken at successive flow intervals of 5,000 gallons. The daily composite must be based on at least three individual samples taken at different times, and will be analyzed for all parameters listed above except pH, and oil & grease.

As practicable, Permittee shall take a manual grab sample, in a glass bottle, at Outfall 002 during the first hour or less of the discharge. This sample shall be analyzed for pH and for Oil & Grease. Where impracticable, permittee shall provide an explanation in its monthly discharge monitoring report for the lack of a sample.

Permittee may use its existing time-proportioned sampler, with plastic bottles, to take grab samples at Outfall 003 or Outfall 004. After a reportable discharge has been sampled for the month the sampler shall be relocated to the vacant manhole so that the next reportable discharge for the month, if any, may be sampled at the other outfall. If equipment maintenance or malfunction, or inclement weather prohibit the collection of a composite sample, as defined below, then sampling shall consist of a grab sample. The sampling location shall be in the manhole for each outfall. The first grab sample shall be taken during the first hour or less of the discharge and will consist of the first aliquot taken by the sampler. Additional grab samples will be taken by the sampler in each succeeding hour of the discharge with a minimum of four grab samples for storm discharges of four hours or longer. The daily composite shall be a single sample formed by combining the individual samples taken during successive hourly intervals after the first grab sample. The daily composite must be based on at least three individual samples taken at different times. One analysis shall be run on the initial grab sample, the remaining grab samples shall be composited and one analysis shall be run on the composite sample. The analyses shall include all parameters listed above except oil & grease. If the discharge from Outfall 002, 003, or 004 is insufficient to generate three individual samples for compositing purposes, no daily composite value need be reported.

As practicable, during a reportable discharge when the automatic sampler is in either the manhole for Outfall 003 or 004, a grab sample shall be taken in a glass bottle from the vacant manhole and analyzed for pH and Oil & Grease. Where impracticable, permittee shall provide an explanation in its monthly discharge monitoring report for the lack of a manual grab sample at Outfall 003 or 004.

**SPECIAL CONDITION 11.****STORM WATER POLLUTION PREVENTION PLAN (SWPPP)**

- A. A storm water pollution prevention plan shall be developed by the permittee for the storm water associated with industrial activity at this facility. The plan shall identify potential sources of pollution which may be expected to affect the quality of storm water discharges associated with the industrial activity at the facility. In addition, the plan shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit.
- B. The plan shall be completed within 90 days of the effective date of this permit. Upon completion the plan shall be submitted to the Division of Water Pollution Control, Compliance Assurance Section, for review and approval. The review period will extend 60 days from date that the plan is received by the IEPA. During the 60 day review period the IEPA may make comments which may need to be addressed by the permittee before the plan can be approved. Upon written plan approval compliance with the terms of the plan shall be made within 120 days.
- C. The permittee may be notified by the IEPA at any time that the plan does not meet the requirements of this condition. After such notification, the permittee shall make changes to the plan and shall submit a written certification that the requested changes have been made. Unless otherwise provided, the permittee shall have 30 days after such notification to make the changes or to file an appeal of the permit with the Illinois Pollution Control Board pursuant to Section 39.(b) of the Illinois Environmental Protection Act 415 ILCS 5/39(b)(1994).
- D. The discharger shall amend the plan whenever there is a change in construction, operation, or maintenance which may affect the discharge of significant quantities of pollutants to the waters of the State or if a facility inspection required by paragraph G of this condition indicates that an amendment is needed. The plan should also be amended if the discharger is in violation of any conditions of this permit, or has not achieved the general objective of controlling pollutants in storm water discharges. Amendments to the plan shall be made within the shortest reasonable period of time, and shall be provided to the IEPA for review upon written request.
- E. The plan shall provide a description of potential sources which may be expected to add significant quantities of pollutants to storm water discharges, or which may result in non-storm water discharges from storm water outfalls at the facility. The plan shall include, at a minimum, the following items:



Special Conditions

1. A topographic map extending one-quarter mile beyond the property boundaries of the facility, showing: the facility, surface water bodies, wetlands (including injection wells), seepage pits, infiltration ponds, and the discharge points where the facility's storm water discharges into a municipal storm drain system or other water body. The requirements of this paragraph may be included on the site map if appropriate.
  2. A site map showing:
    - i. The storm water conveyance and discharge structures;
    - ii. An outline of the storm water drainage areas for each storm water discharge point;
    - iii. Paved areas and buildings;
    - iv. Areas used for outdoor manufacturing, storage, or disposal of significant materials, including activities that generate significant quantities of dust or particulates.
    - v. Location of existing storm water structural control measures (dikes, coverings, detention facilities, etc.);
    - vi. Surface water locations and/or municipal storm drain locations.
    - vii. Areas of existing and potential soil erosion; and
    - viii. Vehicle service areas;
    - ix. Material loading, unloading, and access areas.
  3. A narrative description of the following:
    - i. The nature of the industrial activities conducted at the site, including a description of significant materials that are treated, stored or disposed of in a manner to allow exposure to storm water;
    - ii. Materials, equipment, and vehicle management practices employed to minimize contact of significant materials with storm water discharges;
    - iii. Existing structural and non-structural control measures to reduce pollutants in storm water discharges;
    - iv. Industrial storm water discharge treatment facilities; and
    - v. Methods of onsite storage and disposal of significant materials;
  4. A list of the types of pollutants that have a reasonable potential to be present in storm water discharges in significant quantities.
  5. An estimate of the size of the facility in acres or square feet, and the percent of the facility that has impervious areas such as pavement or buildings.
  6. A summary of existing sampling data describing pollutants in storm water discharges.
- F. The plan shall describe the storm water management controls which will be implemented by the facility. The appropriate controls shall reflect identified existing and potential sources of pollutants at the facility. The description of the storm water management controls shall include:
1. Storm Water Pollution Prevention Personnel - Identification by job titles of the individuals who are responsible for developing, implementing, and revising the plan.
  2. Preventive Maintenance - Procedures for inspection and maintenance of storm water conveyance system devices such as oil/water separators, catch basins, etc., and inspection and testing of plant equipment and systems that could fail and result in discharges of pollutants to storm water.
  3. Good Housekeeping - Good housekeeping requires the maintenance of clean, orderly facility areas that discharge storm water. Material handling areas shall be inspected and cleaned to reduce the potential for pollutants to enter the storm water conveyance system.

Special Conditions

4. **Spill Prevention and Response** - Identification of areas where significant materials can spill into or otherwise enter the storm water conveyance systems and their accompanying drainage points. Specific material handling procedures, storage requirements, spill clean up equipment and procedures should be identified, as appropriate. Internal notification procedures for spills of significant materials should be established.
5. **Storm Water Management Practices** - Storm water management practices are practices other than those which control the source of pollutants. They include measures such as installing oil and grit separators, diverting storm water into retention basins, etc. Based on assessment of the potential of various sources to contribute pollutants, measures to remove pollutants from storm water discharge shall be implemented. In developing the plan, the following management practices shall be considered:
  - i. **Containment** - Storage within berms or other secondary containment devices to prevent leaks and spills from entering storm water runoff;
  - ii. **Oil & Grease Separation** - Oil/water separators, booms, skimmers or other methods to minimize oil contaminated storm water discharges;
  - iii. **Debris & Sediment Control** - Screens, booms, sediment ponds or other methods to reduce debris and sediment in storm water discharges;
  - iv. **Waste Chemical Disposal** - Waste chemicals such as antifreeze, degreasers and used oils shall be recycled or disposed of in an approved manner and in a way which prevents them from entering storm water discharges.
  - v. **Storm Water Diversion** - Storm water diversion away from materials manufacturing, storage and other areas of potential storm water contamination; and
  - vi. **Covered Storage or Manufacturing Areas** - Covered fueling operations, materials manufacturing and storage areas to prevent contact with storm water.
6. **Sediment and Erosion Prevention** - The plan shall identify areas which due to topography, activities, or other factors, have a high potential for significant soil erosion and describe measures to limit erosion.
7. **Employee Training** - Employee training programs shall inform personnel at all levels of responsibility of the components and goals of the storm water pollution control plan. Training should address topics such as spill response, good housekeeping and material management practices. The plan shall identify periodic dates for such training.
8. **Inspection Procedures** - Qualified plant personnel shall be identified to inspect designated equipment and plant areas. A tracking or follow-up procedure shall be used to ensure appropriate response has been taken in response to an inspection. Inspections and maintenance activities shall be documented and recorded.
- G. The permittee shall conduct an annual facility inspection to verify that all elements of the plan, including the site map, potential pollutant sources, and structural and non-structural controls to reduce pollutants in industrial storm water discharges are accurate. Observations that require a response and the appropriate response to the observation shall be retained as part of the plan. Records documenting significant observations made during the site inspection shall be submitted to the IEPA in accordance with the reporting requirements of this permit.
- H. This plan should briefly describe the appropriate elements of other program requirements, including Spill Prevention Control and Countermeasures (SPCC) plans required under Section 311 of the Clean Water Act (CWA) 33 U.S.C. 1321 and the regulations promulgated thereunder, and Best Management Programs under 40 CFR § 125.100.
- I. The plan is considered a report that shall be available to the public under Section 308(b) of the CWA 33 U.S.C. 1318(b). The permittee may claim portions of the plan as confidential business information, including any portion describing facility security measures.
- J. The plan shall include the signature and title of the person responsible for preparation of the plan and include the date of initial preparation and each amendment thereto.

Construction Authorization

- K. Authorization is hereby granted to construct treatment works and related equipment that may be required by the Storm Water Pollution Prevention Plan developed pursuant to this permit.

This Authorization is issued subject to the following condition(s).

Special Conditions

1. If any statement or representation is found to be incorrect, this authorization may be revoked and the permittee there upon waives all rights thereunder.
2. The issuance of this authorization (a) does not release the permittee from any liability for damage to persons or property caused by or resulting from the installation, maintenance or operation of the proposed facilities; (b) does not take into consideration the structural stability of any units or part of this project; and (c) does not release the permittee from compliance with other applicable statutes of the State of Illinois, or other applicable local law, regulations or ordinances.
3. Plans and specifications of all treatment equipment being included as part of the stormwater management practice shall be included in the SWPPP.
4. Construction activities which result from treatment equipment installation, including cleaning, grading and excavation activities which result in the disturbance of five acres or more of land area, are not covered by this authorization. The permittee shall contact the IEPA regarding the required permit(s).

REPORTING

- L. The facility shall submit an annual inspection report to the IEPA. The report shall include results of the annual facility inspection which is required by Part G of the SWPPP of this permit. The report shall also include documentation of any event (spill, treatment unit malfunction, etc.) which would require an inspection, results of the inspection, and any subsequent corrective maintenance activity. The report shall be completed and signed by the authorized facility employee(s) who conducted the inspection(s).
- M. The first report shall contain information gathered during the one year time period beginning with the effective date of coverage under this permit and shall be submitted no later than 60 days after this one year period has expired. Each subsequent report shall contain the previous year's information and shall be submitted no later than one year after the previous year's report was due.
- N. Annual inspection reports shall be mailed to the following address:  
  
Illinois Environmental Protection Agency  
Bureau of Water  
Compliance Assurance Section  
Annual Inspection Report  
2200 Churchill Road  
P.O. Box 19276  
Springfield, Illinois 62794-9276
- O. If the facility performs inspections more frequently than required by this permit, the results shall be included as additional information in the annual report.

**SPECIAL CONDITION 12.** The facility's stormwater retention ditches shall not be used to store process wastewater. The stormwater retention ditches shall be pumped as low as possible during dry weather periods to maintain their usable capacity. When dredging is performed on the facility's storm water retention ditches the permittee shall be required to record any dates on which dredging occurred. The permittee shall submit a quarterly report to the Compliance Assurance Section, at the address indicated in Special Condition 5, listing the dates on which dredging occurred during the previous calendar quarter. The quarterly reports shall be submitted on or before the 15th of April, July, October and January each year.